

### **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### **Listing of Claims:**

1. (original) A crystalline tegaserod maleate Form I, characterized by an x-ray powder diffraction pattern having peaks expressed as  $2\theta$  at about 5.3, 5.9, 6.4, 10.7, 16.1 and 26.8 degrees.
2. (currently amended) A crystalline tegaserod maleate Form I as defined in claim 1, further characterized by an x-ray powder diffraction pattern as shown in figure 1.
3. (currently amended) A process for ~~preparation of~~ preparing tegaserod maleate Form I as defined in claim 1, which comprises:
  - a) adding maleic acid to a solution of tegaserod free base in acetone; and
  - b) Isolating tegaserod maleate Form I.
4. (currently amended) A process for ~~preparation of~~ preparing tegaserod maleate Form I as defined in claim 1, which comprises mixing tegaserod maleate and acetone and collecting tegaserod maleate Form I by filtration.
5. (original) A crystalline tegaserod maleate Form II, characterized by an x-ray powder diffraction pattern having peaks expressed as  $2\theta$  at about 5.3, 6.4, 6.9, 7.8, 8.7, 10.2, 10.8, 15.5, 16.8, 17.0, 19.5, 21.2, 21.7, 22.7 and 25.2 degrees.
6. (currently amended) A crystalline tegaserod maleate Form II as defined in claim 5, further characterized by an x-ray powder diffraction pattern as shown in figure 2.
7. (currently amended) A process for ~~preparation of~~ preparing tegaserod maleate Form II as defined in claim 5, which comprises:
  - a) dissolving tegaserod maleate in methanol; and
  - b) precipitating tegaserod maleate Form II from the solution by mixing with acetonitrile;

8. (original) A crystalline tegaserod maleate Form III, characterized by an x-ray powder diffraction pattern having peaks expressed as  $2\theta$  at about 7.0, 7.9, 8.7, 10.2, 15.6, 15.9, 17.0, 19.5, 25.3 and 27.1 degrees.
9. (currently amended) A crystalline tegaserod maleate Form III as defined in claim 8, further characterized by an x-ray powder diffraction pattern as shown in figure 3.
10. (currently amended) A process for ~~preparation of~~ preparing tegaserod maleate Form III as defined in claim 8, which comprises:
  - a) mixing maleic acid and a solution of tegaserod free base in methanol; and
  - b) collecting the solid separated by filtration.
11. (currently amended) A process for ~~the preparation of~~ preparing tegaserod maleate Form III as defined in claim 8, which comprises;
  - a) dissolving tegaserod maleate in methanol;
  - b) maintaining for about 30 minutes at about 20<sup>0</sup>C to 25<sup>0</sup>C to produce a solid; and
  - c) collecting the solid ~~separated~~ by filtration.
12. (original) A crystalline tegaserod maleate Form IV, characterized by an x-ray powder diffraction pattern having peaks expressed as  $2\theta$  at about 6.9, 8.0, 10.3, 16.5, 19.6, 20.4, 20.9, 22.0, 23.2, 25.4, 28.0 and 28.7 degrees.
13. (currently amended) A crystalline tegaserod maleate Form IV as defined in claim 12, further characterized by an x-ray powder diffraction pattern as shown in figure 4.
14. (original) A process for preparation of tegaserod maleate Form IV as defined in claim 12, which comprises:
  - a) mixing maleic acid and a solution of tegaserod free base in methanol; and
  - b) precipitating tegaserod maleate Form IV by mixing with methylene dichloride or isopropyl alcohol.
15. (currently amended) A pharmaceutical composition comprising a crystalline form of tegaserod maleate and a pharmaceutically acceptable carrier.
16. (currently amended) A pharmaceutical composition as defined in claim 15, wherein the crystalline form is the tegaserod maleate Form I of claim 1.

17. (currently amended) A pharmaceutical composition as defined in claim 15, wherein the crystalline form is the tegaserod maleate Form II of claim 5.
18. (currently amended) A pharmaceutical composition as defined in claim 15, wherein the crystalline form is the tegaserod maleate Form III of claim 8.
19. (currently amended) A pharmaceutical composition as defined in claim 15, wherein the crystalline form is the tegaserod maleate Form IV of claim 12.